

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CLINT ENGELBRETSON, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

BAGELCODE USA, INC., a Washington  
corporation; GOOGLE LLC, a Delaware  
limited liability company; and GOOGLE  
PAYMENT CORP., a Delaware corporation,

Defendants.

No. 2:21-cv-00296-JLR

**STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS**

NOTE ON MOTION CALENDAR:  
MAY 18, 2021

**STIPULATION**

This Stipulation is made and entered into by and between Plaintiff Clint Engelbretson, individually and on behalf of all others similarly situated (“Plaintiff”), on the one hand, and Defendants Google LLC and Google Payment Corp. and Defendant Bagelcode USA, Inc. (“Defendants”) on the other hand (collectively, “the Parties”), in order to request a stay of proceedings in this action, including Defendants’ deadline to respond to Plaintiff’s Class Action Complaint, filed on March 5, 2021 (Dkt. No. 1) (“the Complaint”).

The Parties request a stay pending a decision by the United States Judicial Panel on Multidistrict Litigation (“JPML”) in the case styled *In Re Google Play Store Simulated Casino-Style Games Litigation*, MDL Case No. 3001. The Parties stipulate to the following:

*Stipulation and ~~Proposed~~ Order to Stay Proceedings:*  
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**HILLIS CLARK MARTIN & PETERSON P.S.**  
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1           1.       Plaintiff filed his Class Action Complaint on March 5, 2021  
2 (Dkt. No. 1).

3           2.       Defendants' deadline to file an answer or a responsive pleading to the  
4 Complaint is May 24, 2021 (Dkt. Nos. 11 and 17).

5           3.       On April 19, 2021, the Court issued an Order granting the Parties' Stipulation  
6 to vacate the deadlines relating to initial disclosures, joint status report, and class certification  
7 (Dkt. No. 33).

8           4.       On March 29, 2021, Plaintiff Maria Valencia Torres and Plaintiff Michael  
9 Brown (*see* Chart of Cases At Issue ("Chart")), attached as **Exhibit 1**) filed a Motion for  
10 Transfer of Actions Pursuant to 28 U.S.C. § 1407 for Centralized Pretrial Proceedings to the  
11 Northern District of California (the "Transfer Motion") in the litigation styled *In Re Google*  
12 *Play Store Simulated Casino-Style Games*, MDL Case No. 3001, pending before the JPML.

13           5.       The Transfer Motion requested that the cases listed on the Chart be centralized  
14 in the Northern District of California. The hearing on the Transfer Motion is presently set for  
15 May 27, 2021.

16           6.       There are overlapping issues between this case and the cases at issue before the  
17 JPML, and Defendants Google LLC and Google Payment Corp. intend to file a "Notice of  
18 Tag-Along Case" in the JPML litigation.

19           7.       On May 17, 2021, all Parties met and conferred and agreed that a stay is  
20 necessary and appropriate to preserve the Court's resources and achieve the judicial  
21 economies that underlie 28 U.S.C. § 1407, and that the burden of duplicative litigation weighs  
22 heavily in favor of staying proceedings pending a resolution of the MDL transfer.

23           8.       The Parties will advise this Court promptly upon the ruling on the Transfer  
24 Motion.

25           9.       This Stipulation is made for good cause, without intention of delay, and  
26 without in any way impacting or prejudicing any of the Parties' respective rights. For  
27  
28

1 example, Defendants' defenses to the Complaint are preserved, and Defendants retain the  
2 right to file a motion under Federal Rule of Civil Procedure 12, a motion to compel  
3 arbitration, or any other motion after the stay is lifted without any impact or prejudice from  
4 agreeing to the stay. Plaintiff likewise retains any rights he may have, including to appear  
5 before the MDL panel and suggest the case should not be transferred without any impact or  
6 prejudice from agreeing to the stay.

7 10. If for any reason the Court declines to stay these proceedings, the Parties have  
8 agreed that Defendants may file any motion, responsive pleading or otherwise respond to  
9 Plaintiff's Complaint within two weeks from the date the Court denies this Stipulation.  
10

11 11. This is the first stipulation requesting a stay of proceedings in this action.

12 **NOW THEREFORE**, in consideration of the foregoing, the Parties, by and through  
13 their respective counsel, hereby **STIPULATE** and **AGREE** as follows:

14 1. The proceedings of the present case are stayed, pending the issuance of a  
15 decision by the United States Judicial Panel on Multidistrict Litigation in the case styled *In Re*  
16 *Google Play Store Simulated Casino-Style Games Litigation*, MDL Case No. 3001. The  
17 Parties will promptly notify this Court of the JPML decision regarding the Transfer Motion.

18 2. If the Court for any reason declines to grant this Stipulation, Defendants will  
19 have an extension of time of two weeks, starting from the date of the order denying this  
20 Stipulation, to file any motion, responsive pleading or otherwise respond to Plaintiff's  
21 Complaint.  
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*Stipulation and ~~Proposed~~ Order to Stay Proceedings:*  
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**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

DATED this 18th day of May, 2021.

HILLIS CLARK MARTIN &amp; PETERSON P.S.

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*Attorneys for Plaintiff  
Clint Engelbretson, individually and on behalf of all  
others similarly situated*

### ORDER

PURSUANT TO STIPULATION IT IS SO ORDERED. The proceedings of the present case are stayed, pending the issuance of a decision by the United States Judicial Panel on Multidistrict Litigation in the case styled *In Re Google Play Store Simulated Casino-Style Games Litigation*, MDL Case No. 3001. The Parties will promptly notify this Court of the JPML decision regarding the Transfer Motion.

DATED this 19th day of May, 2021.

  
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THE HONORABLE JAMES L. ROBART